

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR (1) A GENERAL)	
ADJUSTMENT OF ITS RATES FOR ELECTRIC)	
SERVICE; (2) AN ORDER APPROVING ITS 2017)	CASE NO.
ENVIRONMENTAL COMPLIANCE PLAN; (3) AN)	2017-00179
ORDER APPROVING ITS TARIFFS AND RIDERS;)	
(4) AN ORDER APPROVING ACCOUNTING)	
PRACTICES TO ESTABLISH REGULATORY)	
ASSETS AND LIABILITIES; AND (5) AN ORDER)	
GRANTING ALL OTHER REQUIRED APPROVALS)	
AND RELIEF)	

ORDER

On November 22, 2017, Kentucky Power Company (“Kentucky Power”) filed a motion, pursuant to 807 KAR 5:001, Section 13 and KRS 61.878 requesting that the Commission grant confidential protection to designated materials contained in Kentucky Power’s responses to Commission Staff’s Fourth Request for Information (“Staff’s Fourth Request”).

Kentucky Power first requested that Attachment 1 to its response to Staff’s Fourth Request, Item 1 be exempt from disclosure. Kentucky Power argued that the attachment includes maintenance and budgeting information that could be used to determine the scope and timing of planned maintenance outages for Kentucky Power’s generation units through 2021. Kentucky Power stated that unit availability information can be used to estimate Kentucky Power’s generation position and raise generation offers if Kentucky Power is energy short. Kentucky Power claimed that it maintains this information in a

confidential and proprietary manner. Thus, Kentucky Power argued that Attachment 1 to its response to Staff's Fourth Request, Item 1 should be exempt from disclosure pursuant to KRS 61.878(c)(1) through December 31, 2021.

Kentucky Power next requested that Attachment 1 to its response to Staff's Fourth Request, Item 4 be exempt from disclosure. Kentucky Power stated that the attachment includes information regarding salary increases that have not yet been made public. It asserted that the information, if disclosed, would enable competitors to attempt to recruit key personnel from Kentucky Power, and would compromise its position in negotiating employee compensation terms. Kentucky Power claimed the information is highly sensitive and is maintained in a confidential and proprietary manner. Further, Kentucky Power asserted that public disclosure will likely result in increased costs and a loss of negotiating ability for Kentucky Power. Kentucky Power also claimed that the estimated salary increases for certain union-represented hourly and craft employees are subject to collective bargaining negotiations that are not yet complete and that disclosure could damage Kentucky Power's bargaining position. Thus, Kentucky Power argued that Attachment 1 to its response to Staff's Fourth Request, Item 4 should be exempt from disclosure through December 31, 2018, pursuant to KRS 61.878(c)(1).

Kentucky Power also requested that Attachment 2 to its response to Staff's Fourth Request, Item 5 be exempt from disclosure. Kentucky Power stated that the attachment includes Kentucky Power's projected generation unit performance data. It claimed that it often uses that information to negotiate future transactions and that parties negotiating with Kentucky Power could use the information in negotiations with Kentucky Power to its detriment. Thus, Kentucky Power argued that Attachment 2 to its response to Staff's

Fourth Request, Item 5 should be exempt from disclosure pursuant to KRS 61.878(c)(1) through December 31, 2020.

Having considered the petition and the material at issue, the Commission finds that the designated materials contained in Attachment 1 to Kentucky Power's response to Staff's Fourth Request, Items 1, 4, and 5 meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13. The Commission also finds that the various periods Kentucky Power requested the materials be treated confidentially are appropriate under the circumstances. Thus, the designated materials should not be placed in the public record or made available for public inspection for the period requested by Kentucky Power, unless and until this Commission orders otherwise.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's November 22, 2017 motion for confidential treatment is granted.
2. The designated portions of Attachment 1 to Kentucky Power's Response to Staff's Fourth Request, Item 1 for which confidential treatment was requested and granted shall neither be placed in the public record nor made available for public inspection through December 31, 2021, unless and until the Commission orders otherwise.
3. The designated portions of Attachment 1 to Kentucky Power's Response to Staff's Fourth Request, Item 4 for which confidential treatment was requested and granted shall neither be placed in the public record nor made available for public inspection through December 31, 2018, unless and until the Commission orders otherwise.

4. The designated portions of Attachment 1 to Kentucky Power's Response to Staff's Fourth Request, Item 5 for which confidential treatment was requested and granted shall neither be placed in the public record nor made available for public inspection through December 31, 2020, unless and until the Commission orders otherwise.

5. The use of materials granted confidential treatment in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

6. Kentucky Power shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.

7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, Kentucky Power shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested materials shall be made available for inspection.

8. Nothing in this Order shall be construed as preventing the Commission from revisiting the confidential treatment of materials and information.

By the Commission

ENTERED
JUN 19 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*William H May, III
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

*James W Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*Kentucky Power Company
Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101

*Barry Alan Naum
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Jody M Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KENTUCKY 40507

*Carrie M Harris
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Janice Theriot
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Katie M Glass
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Don C Parker
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd, East
Charleston, WEST VIRGINIA 25301

*Justin M. McNeil
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Larry Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Elizabeth Sekula
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Laurence J Zielke
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Gregory T Dutton
Frost Brown Todd, LLC
400 West Market Street
32nd Floor
Louisville, KENTUCKY 40202-3363

*Kent Chandler
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Mark E Heath
Spilman Thomas & Battle, PLLC
300 Kanawha Blvd, East
Charleston, WEST VIRGINIA 25301

*Hector Garcia
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Post Office Box 16631
Columbus, OHIO 43216

*Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Matthew R Malone
Attorney at Law
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

*Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634

*Morgain Sprague
Kentucky League of Cities
101 East Vine Street
Suite 800
Lexington, KENTUCKY 40507

*Rebecca W Goodman
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Ranie Wohnhas
Managing Director
Kentucky Power Company
855 Central Avenue Suite 200
Ashland, KENTUCKY 41101

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507